

Livable Delaware Advisory Council
Paradee Center
November 18, 2002

Minutes

Members Present: Lt. Governor John Carney, Chair
Rich Anthony
Peg Baunchalk
Nathan Hayward
John Hughes
Randy Marvel
Mike McDowell
Paul Morrill
Richard Pryor
Marty Ross
Michael Scuse
Robert Stickels
Lee Ann Walling
Rick Woodin

Absent: Sen. Patricia Blevins
Judy Cherry
Joe Corrado
Sherry Freebery
Robert McLeod
Rep. Roger Roy

Others Present: Charles Baker, New Castle County
Karley Barnes, Budget Office
Phil Cherry, DNREC
Kevin Coyle, DNREC
Mike Petit deMange, Kent County
David Edgell, OSPC
Doug Gramiak, Lt. Gov's Office
Connie Holland, OSPC
Karen Horton, Housing
Herb Inden, OSPC
Finley Jones, Sussex County
Richard Kautz, Sussex County
Andrea Kreiner, Gov's Office
William Narcowich
Thomas Schafer, Consultant, SC
Alex Settles, University of Delaware
Ann Marie Townshend, OSPC

Mr. Carney welcomed everyone to the meeting

I. LDAC Structure

John Carney explained that the original legislation called for staggered terms but when the membership was set up, the terms weren't staggered. The Governor's Office is in the process of correcting this error. If anyone would prefer a 1 year term, please contact the Governor's Office.

II. Sussex County Comprehensive Plan

Connie Holland discussed that the Draft plan had been reviewed by the Office of State Planning and the County has worked with staff to address the State's concerns regarding certification.

Bob Stickels discussed the plan and gave a PowerPoint presentation on the major issues within the plan.

Bob discussed the Proposed Land Use Map and noted that the development areas are 35% smaller in this plan than their previous plan. He further noted that this plan calls for 85% of Sussex County to remain in a "rural" area.

Bob discussed the required elements of the plan and the goals set by the County. Bob also discussed the Environmentally Sensitive areas requirements and the proposed ordinance that the County hopes to adopt within the next 18 months to support this area.

Bob ended the presentation with the highlights of the plan.

John Hughes stated that he had two concerns with the plan. The first concern is the County drainage ordinance. He asked if there had been any further discussion on this ordinance. Finley Jones stated that the County has discussed it but had not moved forward on any recommendations.

John's second concern was that the County is calling for cluster development but is not planning a density bonus. Mr. Hughes stated that most ordinances dealing with cluster development need a 5% density bonus to get the program going. This requirement doesn't have to be forever, but on the first few that come through to give an incentive to the developer to look at clustering.

Charlie Baker made a motion to accept the recommendation of the Office of State Planning Coordination and recommends the plan for certification providing the county include the recommendations set forth in the September 30, 2002 LUPA response letter and also providing no major changes, other than those suggested in the letter, are made before plan adoption. This motion was seconded by Richard Pryor. John Carney asked if there was any discussion on this motion.

Nathan Hayward asked about the Route 13/113 overlay zone. Bob Stickels stated that set backs are being required so that service roads can be accommodated. Nathan noted that if the limited access, north south highway is to become reality, the County needs to begin planning for the rights-of-way now. Bob Stickels stated that he did not feel they could change the growth zones at this stage of the plan and asked if the State could provide a route for the proposed road.

John Carney asked if the County could state that the right of way is needed and is a major priority for the County. Bob stated that this could be done through the ordinances that are proposed to be adopted within the next 18 months. Bob noted that the plan states that inclusion in the development district does not give exclusive rights and the property owners and developers must still comply with ordinances.

John Carney stated that he agreed with Nathan Hayward and he feels that the County look to the future and accommodate what we know needs to be there.

Bob Stickels stated that changing the map would mean another round of Public Hearings. Connie Holland stated that she agreed with Bob Stickels that the best way for this to happen was through the ordinances, not to change the plan.

Bob Stickels stated that need for corridor protection is listed in the transportation section.

Tom Schafer noted that the zoning ordinances can set up protection of undeveloped land and even if it is in the plan, it still needs to be backed up with in ordinance. Bob Stickels cited the mobility strategies on page 35 of the current draft. Bob noted that he would work with the OSPC office to come up with verbiage that will state that the County will work with the Department of Transportation to expedite the alignment of this road and set ordinances to accommodate the proposed highway.

Marty Ross stated that it needs to be done in a way that accommodates the landowners as well and make sure their concerns are met.

Rich Anthony stated that he felt Ordinance #768 covered this because it states "all major roadways."

John Carney stated that he recently rode with an ambulance crew out of the Rehoboth Area and witnessed first hand the backups and stand stills near 5 points. He asked how the County intended to deal with this issue. Bob Stickels stated that wording would be added to the plan Thursday night that would identify this problem. John stated that the system doesn't work right now and stated that he thought there should be a solution or at least a planning effort to fix it. Bob Stickels noted that \$30 million had been set for improvements. Mr. Ross stated that the State is about 25 years behind in the improvements in that area and this plan won't move forward to fix those problems.

John Carney stated that nothing will help with the problem that is currently there because the plan calls for the area to continue to develop so the problems will only get worse with new development.

Connie Holland stated that Sussex County and DeIDOT have been working with the public on the Route One issues and the public resists anything that would not stop development in the area entirely. Citizens don't want more growth and the County is trying to find a way to please everyone. Marty Ross stated that he did not agree with Connie and while many citizens don't want growth but there is a large coalition that does want growth.

John Carney asked that someone explain to him how the County can accommodate more residential growth with the problems that are currently there. He noted that the plan needs to address this issue.

Marty Ross noted that I-95 is crowded as well and experiences backups. John noted that they are planning to expand the capacity on I-95 but asked how Route One could be expanded. Bob Stickels stated that the County feels the answer is to build alternative roads.

Connie Holland stated that the County is currently finishing their parcel maps. Once these maps are completed, the State and County can begin to work together to look at the cumulative effects of development and with that information can begin looking at ways to help with interconnectivity.

Lee Ann Walling asked about the Activity Center concept. Mike Mahaffie stated that he is on the advisory panel for this and they are discussing master planning these centers with larger densities so that transit can be accommodated.

John Carney stated that if you cannot accommodate what is there then growth, dense or not, doesn't help. Mike Mahaffie stated that it is important that the rights-of-ways need to be fixed to accommodate future improvements.

Rich Anthony stated that he felt the problem was that some want to fix the problems before building more and other want to build and then address the problems.

Charlie Baker stated that New Castle County has had these same conversations about several areas for many years. Charlie stated that he feels the State should look at roads in the same way as they would water and sewer. NCC has begun to address the problem by adopting a level of service standard.

Nathan discussed the Route 1 Study group. He stated that this group has been meeting for 4 years and is no closer to reaching a consensus. Nathan stated that he feels these groups can be far too democratic. If something has to be done then the department needs to get together and take the views of the committee and then do what is best to address the concern.

Marty Ross stated that there should be an incentive to preserve agricultural resources. Bob Stickels mentioned the TDR program and stated that the County has provided open space monies and ½ million toward Ag preservation. Bob further noted that allowing AG business in the rural areas should help bring in money. Marty stated that he supports Biotech and Ag preservation but he feels Ag districts can be disincentive. Marty stated that by requiring open space in the developments, the County is spreading development out to other areas. He suggested that instead of requiring open space per subdivision, the County should require developers to contribute money towards buying land in the Environmentally Sensitive Areas or wetlands. Bob Stickels stated that nothing in the plan prevented that from happening.

Mike Scuse stated that Sussex County has been working with the Department of Agriculture to recognize that Ag is a large business in Sussex County. John Carney noted that the plan should reinforce the State goals for agriculture. Bob Stickels promised to include a strong statement about Ag and Ag businesses.

John Carney asked if the areas in the Environmentally Sensitive Developing Areas could be developed on septic. Bob Stickels stated that DNREC has to issue those permits and at this time many developments are popping up with private sanitary sewer and current DNREC laws permit.

John Carney asked about the TMDL standards. John Hughes stated that the TMDL standards are higher than the drinking water standards. TMDL standards are being used in this area. Tom Schaffer stated that the TMDL is an ambitious program that Sussex County intends to meet.

Connie Holland stated that subdivisions are going through a pre-application process and she is hoping this will allow the state to discuss these issues up front.

Paul Morrill asked about Historic Preservation. Bob Stickels stated that they are primarily in the towns and this is recognized by the plan. He stated there are no restrictions because there is no money to back up. Paul noted that there are extensive historic resources in the rural areas and he would like to meet with Bob to discuss these resources.

With no further discussion, John Carney called for a vote on the motion to approve the plan made by Charlie Baker and seconded by Richard Pryor. The vote was 14 to 1 in favor. Mr. Carney voted no.

IV. Legislation

LUPA – Connie Holland discussed the proposed new LUPA law. She stated that she is getting input on the proposal and hopes to have a final draft by the December meeting. Lee Ann explained that this law was intended to get comments to developers early in the process to allow for better developments.

Annexation – Lee Ann stated that this committee has met several times and the next meeting is December 2, 2002. The committee is currently discussing annexation criteria, enclave legislation to make it easier for municipalities to annex enclaves, and they are looking at the City of Wilmington issue.

Brownfield – Lee Ann stated that a lot can be done on this issue without legislation. The application process is being reviewed to make it less confusing. New legislation may be proposed to change the current grant program from \$50,000 to \$100,000.

TIF – Lee Ann stated that this committee is primarily looking at Wilmington. There was a bill introduced last year that did not come to a vote. They will work the same bill this year and try to get it passed.

Live Near Your Work – Lee Ann stated no legislation is needed for this concept. They are working on ways to help people locate near where they work.

Nathan Hayward asked if there was a list of Brownfield sites. John Hughes stated there was not a comprehensive list. Nathan asked if it were possible to take one Brownfield site in each county and take the grant money to make that site work so show how this program can work.

Rick Woodin stated that developers would be more likely to work with brownfields if the State identified the problems with the site up front so they know what they are getting into before spending money.

Lee Ann stated that it needs to be as easy to develop a Brownfield as a cornfield.

John Hughes stated that the demand to work with Brownfield sites is not a problem, it is responding to the demand and that issue can be fixed internally.

V. Other Business

Mr. Narcowich mentioned the planned growth areas around towns and asked if the State is prepared for the increase in police that will be needed. Bob Stickels noted that the trend has been to annex. As for public safety concerns, paramedics are already covered by the State and County and Sussex County currently gives money to the state to help fund police.

The next meeting of the Livable Delaware Advisory Council will be December 9, 2002 at 1:00 in the Paradee Building.

With no further business, a motion was made by Mike Scuse, seconded by Nathan Hayward and approved by all members present that the meeting be adjourned.

Respectfully submitted,

Dorothy Morris